



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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Monday, February 10, 2020

Chief Roger Freeman
The Town of Many – Chief of Police
955 N. San Antonio Avenue
Many, Louisiana 71449

**Re: Louisiana Board of Ethics
Docket No. 2020-006**

Dear Chief Freeman:

The Louisiana Board of Ethics ("Board"), at its February 7, 2020 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from hiring Kyle Cook, while his father, Stanley Cook, continues his employment.

FACTS PROVIDED

You stated that Stanley Cook has been employed with the Many Police Department since 2003 as the Patrol supervisor. Additional information provided by the Town of Many establishes that Stanley Cook first applied for part-time employment on April 26, 2006. Stanley Cook answers directly to you, the Chief of Police, and his job duties include handling training and patrol concerns. You stated further that you would like to hire Stanley Cook's son, Kyle Cook, as the Assistant Chief of Police, which is an administrative position. Once Kyle Cook is hired as Assistant Chief of Police, neither Kyle Cook nor Stanley Cook will have any supervisor duties over the other.

LAW

La. R.S. 42:1102(3) defines "agency head" to mean the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

La. R.S. 42:1102(15) defines "participate" to mean to take part in or to have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

La. R.S. 42:1102(23) defines a "transaction involving the governmental entity" as any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity. (b) Is one to which the governmental entity is or will be a party. (c) Is one in which the governmental entity has a direct interest.

La. R.S. 42:1112(B)(1) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1112(C) allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

La. R.S. 42:1119(A) states that no member of the immediate family of an agency head shall be employed in his agency.

La. R.S. 42:1119(C)(2) provides that the provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, that the Code would not prohibit you from hiring Kyle Cook as the Assistant Chief of Police. Neither Stanley Cook nor Kyle Cook are agency heads. Accordingly, the hiring of Kyle Cook and the continued employment of Stanley Cook does not violate La. R.S. 42:1119(A).

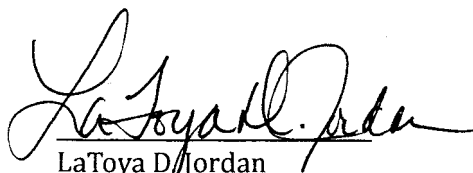
Should Kyle Cook become the Chief (the agency head), La. R.S. 42:1119(C)(2) provides an exception to the general rule, which allows the continued employment of the public servant if he was employed with the agency for at least one (1) year prior to the immediate family member becoming the agency head. In this case, Stanley Cook has been employed with the Many Police Department since 2003. However, the Board directed me to inform you that La. R.S. 42:1112(B)(1) would prohibit Kyle Cook from participating in a transaction involving the Many Police Department, in which Stanley Cook has a substantial economic interest. As a result of the prohibition, prior to any potential participation on Kyle Cooks' part, a disqualification plan should be submitted and approved by the Board, pursuant to La. R.S. 42:1112(C).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental

Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in black ink, appearing to read "LaToya D. Jordan". The signature is fluid and cursive, with a horizontal line drawn across the middle of the name.

LaToya D. Jordan
For the Board